

Panaji, 14th April, 1983 (Chaitra 24, 1905)

SERIES II No. 2

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (General)

Notification

No. T/2-17/79-HD(G)

In exercise of the powers conferred by sub-section (1) of Section 44 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and in supersession of the Government Notification No. T/2-17/79-HD(G) dated 16-7-1980, the Lieutenant Governor of Goa, Daman and Diu hereby constitutes a Regional Transport Authority consisting of the following persons, to exercise and discharge, throughout the District of Daman, the powers and functions conferred by or under Chapter IV of the said Act on the said Authority, namely:—

1. Secretary, Law and Judiciary Department, Government of Goa, Daman and Diu, Panaji—Chairman.
2. Member of the Legislative Assembly from Daman—Member.
3. Deputy Collector, Daman—Member.
4. Mamlatdar, Daman—Member Secretary.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 8th April, 1983.

Notification

No. T/2-17/79-HD(G)

In exercise of the powers conferred by sub-section (1) of Section 44 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and in supersession of the Government Notification No. T/2-17/79-HD(G) dated 16-7-1980, the Lieutenant Governor of Goa, Daman and Diu hereby constitutes a Regional Transport Authority consisting of the following persons, to exercise and discharge, throughout the District of Diu, the powers and functions conferred by or under Chapter IV of the said Act on the said Authority, namely:—

1. Secretary, Law and Judiciary Department, Government of Goa, Daman and Diu, Panaji—Chairman.
2. Member of the Legislative Assembly from Diu—Member.
3. Civil Administrator, Diu—Member.
4. Mamlatdar, Diu—Member Secretary.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 8th April, 1983.

Works, Education and Tourism Department

Order

No. 12/10/83-WET

Read: Govt. order No. DE/TECH/A/123/67/46825 dated 1.3.1968 creating 2 posts of Assistant Professors in Civil Engineering for Goa College of Engineering.

On the recommendations of Union Public Service Commission Shri Shripad Babarao Sheldalkar a candidate by the Union Public Service Commission is hereby appointed to officiate in the post of Assistant Professor in Civil Engineering in Goa College of Engineering Farmagudi with effect from 21.12.82.

The appointment is temporary and will be on probation for a period of two years.

The scale of pay of the post is Rs. 1100-1600/- and his initial pay is fixed at Rs. 1200/- per month or as per the rules whichever is higher as recommended by the Union Public Service Commission vide their letter No. F.1/586/82-RG dated 21.12.1982.

He will be entitled for grant of dearness and house rent allowance as admissible to the employees of this Administration from time to time.

Other conditions of his service will be governed by the relevant rules and order issued by the Central Government on this behalf from time to time.

His appointment is subject to the conditions that in case he is found to be having bad character/reputation or antecedent his services will be terminated.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Primenta, Under Secretary to the Govt. of Goa, Daman & Diu.

Panaji, 5th April, 1983.

Order

No. 15/3/82-WET

Read:— Government order No. 15/4/79-WET dated 19-5-1980.

Miss Sarabhibi Mahmud Bhingraj is hereby appointed as Lecturer in Economics in Government College, Daman on ad-hoc basis with effect from 9-12-1982 (BN) on a pay of Rs. 700/- p.m. in the scale of Rs. 700-1300 plus the usual allowances admissible from time to time.

The appointment is purely on ad-hoc basis and will not bestow on the appointee any claim for regular appointment, promotion to higher post and seniority and will be liable to be terminated.

The appointment is also liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify her from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 5th April, 1983.

Local Administration and Welfare Department

Order

No. 3-39-73-LSG(GEN)

- Read:— 1. Govt. order No. 3/27/82-PER(Vol.III) dated 19-3-83.
2. Govt. Notification No. 3-39-73-LSG(GEN) dated 5-2-82.

Shri Tabom Bam, IAS, Collector, Daman is hereby appointed as Administrator of Daman Municipal Council with effect from 8-3-1983 in place of Shri Hauzel Haukhum, IAS, transferred to Dadra and Nagar Haveli.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary to Govt. of Goa, Daman and Diu.

Panaji, 4th April, 1983.

Notification

No. 3-61-81-LAWD

- Read:— 1) Government Notification No. 3-6-61-81-LAWD, dated 20-7-82.
2) Government Notification No. 3-6-61-81-LAWD, dated 29-9-82.

Government is pleased to extend the Term of the Committee constituted under Government Notification of even number dated 6-11-1981 to study/review the Goa, Daman and Diu Municipalities Act, 1968, for a further period of six months beyond 6-11-1982.

The Committee should submit its report by 6-4-1983.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 4th April, 1983.

Revenue Department

Notification

No. 22/107/81-RD

Whereas by Government Notification No. 22/107/81-RD dated 12-8-82 published on pages 298 to 299 of Series II, No. 22 of the Official Gazette dated 26-8-1982 it was notified under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said notification (hereinafter referred to as the "said land") was needed for public purpose viz. Implementation of Housing activities by the Goa, Daman and Diu Housing Board at Moti Daman, Daman.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now therefore in exercise of the powers under sub-section (1) of Section 48 of the said Act, Government is pleased to withdraw from the acquisition of land initiated under the said Notification dated 12-8-82 and hereby cancelled the said Notification, so far as it relates to the said land. So the persons interested in the said land, may lodge to the Deputy Collector of Daman, Daman, within a period of thirty days from the date of this Notification claims under sub-section (2) of Section 48 of the said Act, for the damage suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in prosecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the office of the Dy. Collector Daman, Daman for a period of thirty days from the date of this Notification.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 2nd April, 1983.

Notification

No. 22/108/81-RD

Whereas by Government Notification No. 22/108/81-RD dated 31-8-1982 published on page 314 of Series II, No. 24 of the Official Gazette dated 9-9-1982 it was notified under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was needed for public purpose viz. Implementation of housing activity by the Goa, Daman & Diu Housing Board at Moti Daman.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now therefore, in exercise of the powers under sub-section (1) of Section 48 of the said Act, Government is pleased to withdraw from the acquisition of land initiated under the said Notification dated 31-8-1982 and hereby cancelled the said Notification, so far as it relates to the said land. So the persons interested in the said land, may lodge to the Deputy Collector Daman, Daman, within a period of thirty days from the date of this notification claims under sub-section (2) of Section 48 of the said Act, for the damage suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in prosecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the office of the Collector of Daman, Daman, for a period of thirty days from the date of this Notification.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 2nd April, 1983.

Notification

No. 22/13/81-RD

The Government Notification No. 22/13/81-RD dated 23-2-1981 regarding for construction of Rural Medical Dispensary and Staff Quarters at Thane, Satari, admeasuring 2,800.00 sq. mts. published in the Official Gazette No. 50 Series II dated 12-3-1981 is hereby cancelled with immediate effect.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 8th April, 1983.

Notification

No. 22/59/82-RD

Whereas by Government Notification No. 22/59/82-RD dated 16-7-82 published on page 245 to 249 of Series II, No. 19 of the Official Gazette, dated 5-8-82 and subsequent corrigendum of even number dated 23-3-1983 published in the Official Gazette, it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for construction of Dabolim Issorcim Road-Part II.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering

the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer,

PWD (Cell) Altinho, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Land Acquisition Officer, PWD (CELL) Altinho, Panaji till the award is made under Section 11.

SCHEDULE (Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Mormugao	Issorcim	11	23 (part)	1. Divina Soares. 2. Orlando Barretto. 3. Balaji Datta Naik.	375.00
				24 (part)	Shri A. N. Naik.	125.00
				25 (part)	Divina Soares.	100.00
				27 (part)	Shri A. N. Naik.	80.00
				28 (part)	1. Orlando Barretto. 2. Elma Maria Fernandes. 3. Josete Cotildo das Fernandes. 4. Edvigas Fernandes. 5. Edwar Fernandes. 6. Luiza Fernandes. 7. Guithormina Fernandes.	400.00
				29 (part)	Shri A. N. Naik.	200.00
				30 (part)	1. Elma Maria Fernandes. 2. Josetto Fernandes. 3. Edvigas Fernandes. 4. Guithormina Fernandes. 5. Edwar Fernandes. 6. Luiza Fernandes.	250.00
				31 (part)	A. N. Naik.	275.00
				32 (part)	Teotonio Rodrigues.	525.00
				33 (part)	A. N. Naik.	100.00
				34 (part)	Remedio.	105.00
				35 (part)	A. N. Naik.	180.00
				36 (part)	Teotonio Rodrigues.	680.00
				37 (part)	A. N. Naik.	75.00
				38 (part)	Teotonio Rodrigues.	220.00
			20	1 (part)	Shri Anant N. Naik.	137.00
				2 (part)	Fabrica de Chapel of Issorcim.	71.00
				3 (part)	Teotonio Rodrigues.	125.00
				4 (part)	Shri Anant N. Naik.	625.00
			19	1 (part)	Damodar N. Naik.	1665.00
				4 (part)	F. D. C. D. Issorcim.	125.00
			21	3 (part)	Damodar N. Naik.	950.00
			1	4 (part)	Vithal D. Naik.	1050.00
			1	5 (part)	Damodar N. Naik.	260.00
				6 (part)	F. D. C. D. Issorcim.	72.00
				7 (part)	Damodar N. Naik.	75.00
				8 (part)	Vithal D. Naik.	835.00
				9 (part)	Narayan Y. Naik. Datta Y. Naik.	675.00
			8	1 (part)	Maria S. C. Fernandes.	2050.00
				2 (part)	Damodar N. Naik.	170.00
			7	2 (part)	Comunidade of Issorcim.	75.00
				3 (part)	Damodar N. Naik.	425.00
				4 (part)	Jose Coelho.	285.00
				5 (part)	Jose Aires Coelho.	195.00
			6	1 (part)	Damodar N. Naik.	475.00
				2 (part)	Jose Aires Coelho.	65.00
				5 (part)	F. D. C. D. Issorcim.	60.00
				6 (part)	Damodar N. Naik.	75.00
				7 (part)	F. D. C. D. Issorcim.	250.00
				8 (part)	Francisco A. C. Costa.	425.00
			5	1 (part)	Damodar N. Naik.	50.00
				2 (part)	Jose A. Coelho.	137.00
				3 (part)	Jose Coelho.	118.00
				4 (part)	F. D. C. D. Issorcim.	50.00
				5 (part)	Damodar N. Naik.	32.00
				6 (part)	F. D. C. D. Issorcim.	50.00
				8 (part)	Comunidade of Issorcim.	32.00

Boundaries:

North: Village Dabolim S. No. 17, S. No. 11/23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 S. No. 20, 1, 2, 3, 4, S. No. 19/1 and 4, S. No. 21/3, S. No. 1/4, 5, 6, 7, 8 and 9, S. No. 8/1, S. No. 7/2, 3, 4 and 5 S. No. 1, 2, 5, 6, 7 and 8, S. No. 5, 1, 2, 3, 4, 5 and 6.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.
L. J. Menezes Pais, Under Secretary (Revenue-I).
 Panaji, 2nd April, 1983.

No. RD/TNC/BND/280/67(Part file)

SCHEDULE

By order and in the name of the Lt. Governor of Goa, Daman and Diu.
L. J. Menezes Pais, Under Secretary (Revenue-I).
 Panaji, 31st March, 1983.

No. 2/20/80-PHD

Panaji, 4th April, 1983.

No. 28/2/79-ILD

Panaji, 25th March, 1983.

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/17/82

1. Shri Timmappa Bramawar —Workman/Party I
V/s.

1. M/s. Kohinoor Restaurant —Employer/Party II

Workman/Party I represented by Shri D. Fernandes.

Employer/Party II represented by Adv. A. Mashelkar.

Panaji. Dated: 11-3-1983

AWARD

This is a reference made by the Government of Goa, Daman and Diu, to this Tribunal by its Order No. 28/33/81-ILD

dated 27th March, 1982. The Schedule annexed to the Order of Reference reads as follows:

"Whether the action of the employer of M/s. Kohinoor Restaurant, Margao Salcete Goa, in terminating the services of Shri Timmappa Bramawar, Tea Maker, with effect from 10-4-1981 is legal and justified?

If not, to what relief the said workman is entitled to?"

2. In his statement of claim, the workman has stated that he was appointed by the employer on 9-2-1974 to the post of "tea maker", on a monthly salary of Rs. 155/- of which Rs. 105/- were his basic pay and Rs. 50/- his food allowance; that, on 10-4-1981, the employer terminated his services, without issuing him any charge sheet or holding an inquiry into any misconduct; such termination is of punitive nature, arbitrary, illegal and unjustified, amounting to retrenchment. He has prayed that he should be deemed to be in service of the employer or, in the alternative, he should be reinstated in his post, with back wages and consequential benefits.

3. The employer, although served, did not remain present in court in person, neither had he filed its written statement, inspite of twice having been given extension of time. The employer's application to be represented by Advocate was kept pending till the other party gave its no objection. In the absence of the employer and its written statement, proceedings were taken ex parte against him.

4. On the date fixed for the evidence of the workman, the employer remained present in person and moved an application for setting aside the ex parte order and to allow him to file his written statement. Copy of this application was served on the workman and fixed a date for his say, and, in the meantime, statement of the workman was recorded and the employer was asked to cross-examine him. The employer, however, after putting one question to the workman, declined to continue with the cross examination, on the ground that he does not know how to conduct the cross examination. The workman closed his evidence.

5. On the date fixed for the say of the workman on the employer's application for setting aside the ex parte order and also for employer's evidence, if any, the workman's representative gave his no objection on the employer's application to be represented by Advocate and, hence, this application was granted. The employer, who was personally present, said that he does not want to lead any evidence. Hence, the matter was fixed for arguments on the application for setting aside the ex parte order. The representative of both the parties argued the matter and order was passed on 11-10-1982, dismissing the said application, and the matter was kept for hearing arguments of the parties on the merits of the reference. On this date, the employer moved an application to allow him to cross examine the workman's witness and also to lead his evidence. The workman did not object to the cross examination asked for, but objected to allow the employer to lead his evidence. The Court passed order allowing the employer only the cross-examination of the workman and not to lead further evidence. Accordingly, the employer's representative cross examined the workman. Finally, the matter was argued by the representatives of both the parties.

6. As per the terms of the reference, it was for the employer to prove that the termination of the services of the workman was legal and justified. The employer, however, did not file his written statement, not did he lead any evidence in this respect. His only evidence is the cross examination of the workman.

7. On the other side, the workman, to substantiate his contention that his services were terminated by the employer only because he insisted with him to fill up his leave card, which was blank, has produced his appointment order (Exh. W-1) and his leave card (Exh. W-2).

From the appointment order Exh. W-1 it is shown that the workman was appointed as Tea Maker on 9-2-1979, with a basic pay of Rs. 105/- per month and food allowance Rs. 50/-; on the leave card Exh. W-2, only the name of the workman, his registration number and date of appointment and the name and address of the employer have been written; all other details regarding leave are lying blank. The employer has not denied that the workman worked in his establishment till 10-4-1981, date of the alleged incident. This incident, according to the workman, was because the employer refused to put up to date his leave card and even wanted to assault him, whilst, according to the employer,

the workman quarrelled with the Accountant and left the job. The employer has not clarified the reason for quarrelling with the Accountant, but the workman's version clarifies it, saying that it was because of the refusal in filling up his leave card and putting it up to date.

8. One can hardly believe that, after putting in more than 7 years service, the workman would give up the job and sit at home unemployed till November of that year, when he got the job at Margao, where he is presently working. The refusal of the employer to accept the registered letter of the workman dated 10-4-1981 (Exh. W-3) challenging his termination as illegal, malafide and unjustified, on the one side, and the only question put to the workman in his cross-examination by the employer himself that he, the workman, used to get drunk on various occasions during duty hours and give bad words to the employer, on the other side, would only corroborate this conclusion. It is to be noted that the employer's version that it is the workman who gave up the job appears for the first time only in his letter to the Labour Commissioner dated 4-5-1981 (annexure 'C' to the Labour Commissioners' report Exh. W-4).

9. From the above evidence led by the workman, I am convinced that it is the employer who terminated his services with immediate effect without paying him his notice pay and gratuity, as per the provisions of Section 39 of the Shops and Establishments Act, 1973, in short the Act. It is well settled that such payment is a condition sine qua non to the validity of the termination and since such condition has not been, admittedly, complied with by the employer, the termination of the services of the workman is illegal and cannot be upheld.

10. The workman states that, since November 1981, he has been working for his new employer and, therefore, the question of his reinstatement in service does not arise. The workman's contention that he has not been paid his wages from the month of March 1981 and 10 days of April, 1981 has not been denied by the employer. The workman is, therefore, entitled to receive the said wages, plus one month's notice pay and gratuity at the rate of 15 days per each year of service in terms of Section 39 of the Act and compensation for a period of 5 and a half months during which he remained un-employed due to the sudden termination of his services by the employer, which compensation I fix in Rs. 600/-.

11. In the premises above, I answer to the reference by passing the following order:

ORDER

The termination of the services of the workman by the employer is illegal and unjustified. The employer is directed to pay to the workman his unpaid salary of the month of March 1981 and 10 days of April at the rate of Rs. 105/- per month, plus food allowance at the rate of Rs. 50/- per month. He is further directed to pay to the workman one month's notice pay at the rate of Rs. 155/- and gratuity of his 7 years of service, as per the provisions of Section 39 of the Act plus costs of Rs. 100/-.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND PANAJI - GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/41/82

1. Shri Rajan B. Rane — Workman/Party I

V/s.

1. M/s. Goa, Daman and Diu Co-operative Fisheries Federation Limited — Employer/Party II

Workman/Party I represented by Adv. A. Nigalye.

Employer/Party II represented by Shri Ramesh Desai, Labour Advisor.

Panaji, Dated: 14-3-1983

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman and Diu, by its order No. 28/41/82-ILD, dated 22nd September, 1982. The schedule annexed to the Order reads as follows:

"Whether the action of the Management of M/s. Goa, Daman and Diu Cooperative Fisheries Federation Limited, Panaji, Goa, in terminating the services of Shri Rajan B. Rane, Marketing Inspector with effect from 25-7-1981 is legal and justified?"

If not, to what relief the workman is entitled to?"

2. The case of the workman, as per his statement of claim, is that he was employed with the employer society as an Inspector w.e.f. 28-9-1977, initially on probation for 6 months and then confirmed in services w.e.f. 3-4-1978 by the Board of Directors of the employer society. By office order dated 7-12-1978, he was re-designated as Market Inspector and fitted in the grade mentioned in that order. During the entire tenure of his services, he has discharged his duties to the best of his abilities and, has got a clear record of service. Nevertheless, on 25-6-1981, the Chairman of the Society issued him a letter dated 1-6-1981, dispensing with his services w.e.f. 25-7-1981, as they were found "uneconomical". Further correspondence with the employer to withdraw that order of termination did not yield any result. Then the workman sought the intervention of the Labour Commissioner. The Asstt. Labour Commissioner initiated conciliation proceedings, which ended in failure and, hence, this reference.

The contention of the workman is that the employer has terminated his services without any reasonable cause and for no misconduct and, hence, the termination is illegal and unjustified; he was also not paid his legal dues, including retrenchment compensation and, therefore, such termination is also null and void. Further, while his appointment and termination were decided by the Board of Directors of the Society, there was no decision of the Board in respect of such termination. The Chairman has gone beyond his jurisdiction while issuing such termination order. He has prayed for his reinstatement with full back wages and continuity of service, plus compensation for the mental and physical torture he suffered due to such termination.

3. When notice was served on the employer to file its written statement, negotiations started between the parties to arrive at an amicable settlement, which finally culminated in a settlement as per the memo dated 5-1-1983, which has been produced by the parties, praying that a consent award be passed in terms of it.

4. I have given due consideration to the terms of settlement filed and arrived at the conclusion that they do justice to the workman. Hence, I pass the following order:

ORDER

Consent Award in terms of the memo of settlement, which shall form part of this award, is hereby made and the matter is disposed off. No order as to costs.

Dr. Renato de Noronha
Presiding Officer,
Industrial Tribunal.

IN THE COURT OF THE INDUSTRIAL TRIBUNAL CUM
LABOUR COURT GOA, DAMAN AND DIU, AT PANAJI

Reference No. IT-41 of 82

BETWEEN

The management of M/s. Goa, Daman & Diu Co-operative Fisheries Federation Ltd., Panaji, Goa.

AND

Shri Rajan B. Rane, Workman.

MAY IT PLEASE YOUR HONOUR

The parties herein have arrived at a mutual settlement, five copies of which are enclosed herewith. The parties pray that the Award in terms of this settlement may please be passed.

For which act of kindness the parties shall in duty bound ever remain.

Panaji, 5th January, 1983.

Ramesh Desai

Consultant, Industrial Relations for
G.D.D. Co-operative Fisheries Federation Ltd., Panaji.

Arun Nigalve

Advocate for the Workman.

Memorandum of Settlement under Section 2(p) read with Section 18(1) of the Industrial Disputes Act, 1947 between the Management of Goa, Daman and Diu Cooperative Fisheries Federation Limited, Panaji Goa and their workman Shri Rajan B. Rane, Marketing Inspector

REPRESENTATIVE PARTIES

Shri Ramesh Desai,

Consultant — Industrial Relations, 202, Govinda Bldg., for Goa, Daman and Diu Co-operative Fisheries Federation Ltd., Panaji, Goa.

Shri Arun Nigalve,

Advocate, for the Workman Shri Rajan B. Rane.

SHORT RECITAL OF THE CASE

The Management of M/s. Goa, Daman and Diu Co-operative Fisheries Federation Ltd., Panaji, Goa (hereinafter referred to as 'the Federation') terminated the services of their Marketing Inspector Shri Rajan B. Rane vide their letter dated 1-6-81 with effect from 25th July, 1981. The workman thereafter raised a dispute with the Conciliation Officer for intervention. Since the matter could not be settled with the good offices of the Conciliation Officer the failure report was submitted to the Government. The Government thereafter referred the dispute for adjudication of the Industrial Tribunal, Goa, Daman and Diu, Panaji. The workman filed his claims statement and the matter was adjourned for filing the Written Statement of the Federation. In the meantime the representatives of the parties met and discussed the matter in length and ultimately arrived at a mutual settlement, on the following terms:

TERMS OF SETTLEMENT

1. The management of the Federation agrees to reinstate the workman in the services of the Federation with full back wages from the date of his termination of services till the date of reinstatement with continuity of service.

2. The management of the Federation agrees to pay the workman his back wages from 25-7-1981 till the date of reinstatement and his unpaid wages for the month of June, 1981 within 15 days from the date of this settlement.

3. In view of clause (1) and (2) above the workman agrees that his dispute with the Federation is finally settled and he has no claim of whatsoever nature against the Federation in respect of the said dispute.

4. Both parties agree that the management of the Federation shall be free to take any action in accordance with law, if it is found that the workman has committed any misconduct during his tenure of service.

5. The parties agree to file this settlement before the Industrial Tribunal, Goa, Daman and Diu, Panaji in reference No. IT/41 of 1982 for a consent award in terms of this settlement, on 5th January, 1983.

SIGNATURE OF THE PARTIES

Ramesh Desai

Representative of the
Federation

Arun Nigalve

Representative for the
Workman

Dated: 5th day of January, 1983.

WITNESSES:

(S. V. Bhadri)

Administrator for the
Federation

Rajan B. Rane

Workman

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